

RULE 12
INFORMAL ADMONISHMENT OR REPRIMAND
BY COMMISSION

(a) Generally. The commission may informally admonish or reprimand a judge, but only with the agreement of that judge. The agreement shall provide whether the agreement of the judge to the admonishment or reprimand may be considered as an admission of misconduct by the judge. In any event, the conduct causing the admonishment or reprimand may be considered in the event of a future complaint against the same judge. The agreed admonishment or reprimand may include an agreement by the judge to desist from certain prescribed conduct.

(b) Effect of Informal Admonishment or Reprimand. An agreement to informally admonish or reprimand a judge terminates the complaint or complaints which gave rise to the admonishment or reprimand, without the necessity of referring the matter to the Supreme Court.

Comment

Const. art. 4, subsection 31 (amend. 71) gives the Supreme Court the authority to impose discipline on judges. Arguably, the commission may not engage in informal dispositions without authority from the Supreme Court. This rule delegates a small, but important, part of the Supreme Courts discipline power to the commission. The commission is only empowered to informally admonish or reprimand a judge. If more serious discipline is called for, the Supreme Court must impose the discipline. The rule requires the consent of the judge. The judge will, thereby, be waiving any right to have discipline imposed only by the Supreme Court. Cf. ABA Standard 6.6.

[Effective May 14, 1982]
